

REMARKS

The Applicant appreciates the Examiner's thorough examination of the Application and requests re-examination and reconsideration of the application in view of the preceding amendments and the following remarks.

The Abstract has been amended as requested by the Examiner in paragraph 1 of the Office Action.

The specification has been amended as requested by the Examiner in paragraph 2 of the Office Action.

With regard to paragraphs 3 and 4 of the Office Action, the Examiner is relying on WO 97/27402. This patent relates to noise damping and not to mechanical damping which is what the applicant is concerned with. In WO 97/27402, the main idea is to prevent the interference of two fluid streams as this creates turbulence. A sub-idea relates to suction but there is no reference made to a damping effect on a suction reed. The suction part of WO 97/27402 refers to the efficiency of the charging cycle. The invention described in WO 97/27402 is basically concerned with noise damping and is not concerned with mechanical damping.

The Examiner referred to page 27 lines 13 – 26 of WO 97/27402 and said that these lines disclose that ".....the tube contains sufficient fluid to provide substantial damping for the reed". Page 27 lines 13 – 26 have carefully been read and it is

believed that these lines do not disclose mechanical damping and do not even hint at mechanical damping. There appears to be no disclosure in WO 97/27402 of a tube containing a column of fluid which is sufficient to provide substantial mechanical damping of the motion of the reed. In order to emphasise the difference of the applicant's invention over WO 97/27402, Claim 1 has been rewritten as new Claim 6 to specify that the damper means is for mechanically damping motion of the reed, with the tube containing a column of fluid which is sufficient to provide substantial mechanical damping of the motion of the reed.

The Examiner also says that the applicant's claim 2 is disclosed in WO 97/27402 by virtue of the tube 518 extending vertically over the port 514. All of the diagrams and description of WO 97/27402 have carefully been considered. It appears that the tube does not extend vertically above the port in any drawing. The tube appears to lie in all cases horizontally to the port, and then turns at the port in order to allow access to the port.

It is respectfully submitted that WO 97/27402 is not concerned with and does not disclose the applicant's invention.

The Applicant relies for patentability of new Claims 8 – 10 (original Claims 3 – 5) on the fact that these claims include all of the features of Claim 6, which claim is believed to be allowable for the reasons given above.

With regard to paragraph 5 of the Office Action, the prior art made of record and not relied upon has been carefully considered. This prior art is not believed to affect the allowability of the new Claims 6 – 10, nor the above submissions.

Each of the Examiner's rejections has been addressed or traversed. Accordingly, it is respectfully submitted that this application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this **RESPONSE** is found to be **INCOMPLETE**, or if at any time it appears that a **TELEPHONE CONFERENCE** with Counsel would help advance prosecution, please telephone the undersigned or one of his associates, collect in Waltham, Massachusetts, at (781) 890-5678.

Respectfully submitted,



\_\_\_\_\_  
Jason D. Shanske  
Reg. No. 43,915